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I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on:

Date: May 3, 2005

By: Jennifer Mah

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: BAPTISTA

APPLICATION NO.: 10/789,451

FILED: February 26, 2004

FOR: **VACUUM PACKAGING APPLIANCE WITH
REMOVABLE TROUGH**

ATTY DKT. NO. 37479-8041.US01

EXAMINER: Unknown

ART UNIT: 5173

Request for Reconsideration of Petition under 37 C.F.R. §1.47(b)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Reconsideration of the Decision Refusing Status mailed on April 19, 2005 is hereby requested.

2. A revised Statement of Facts By Judy Lagera Vo In Support Of Filing On Behalf Of NonSigning Inventor is enclosed. Ms. Vo's Statement of Facts confirms that the non-signing inventor refused to sign the Inventorship Declaration after having been presented with the application papers (specification, claims and drawings).

3. No fees are believed to be due, however, the Commissioner is authorized to charge any omission of fees to for timely consideration of this petition to Deposit Account No. 50-2207. A duplicate of this sheet is enclosed.

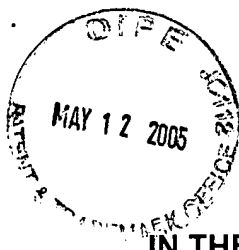
Respectfully submitted,
Perkins Coie LLP


Brian R. Coleman
Registration No. 39,145

Date: May 3, 2005

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: ALEXANDRE A.N. BAPTISTA
APPLICATION NO.: 10/789,451
FILED: FEBRUARY 26, 2004
FOR: VACUUM PACKAGING APPLIANCE WITH
REMOVABLE TROUGH

EXAMINER: UNKNOWN
ART UNIT: 3721
CONF. NO: 5173

STATEMENT OF FACTS BY JUDY LAGERA VO

IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR

(37 CFR 1.47)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Judy Lagera Vo, residing at 5824 College Avenue #12 Oakland CA 94618, have been employed by Tilia International, Inc. of Delaware (Tilia) for about three years. I manage all legal affairs for Tilia. My responsibilities include working with Tilia employees and former employees to perfect Tilia's patent rights in technology that such parties are under obligation to assign to Tilia. This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor, Alexandre A. N. Baptista (Mr. Baptista), for the above-identified patent application before deposit thereof in the Patent and Trademark Office. I have first-hand knowledge of the facts recited herein.

I have reviewed Mr. Baptista's employment documents and have first hand knowledge of Mr. Baptista's employment with Tilia. I have worked with Mr. Baptista on several patent applications including the above-identified patent application, for which patent applications Mr. Baptista is either a sole or joint inventor, and which patent applications Mr. Baptista either has assigned to Tilia or is under obligation to assign to Tilia.

Mr. Baptista was a n e m p l o y e e o f T i l i a f r o m a b o u t A p r i l 2 0 0 0 t o a b o u t A u g u s t 2 0 0 3. Mr. Baptista's accompanying employment documents include proof of Mr. Baptista's obligation to cooperate in the above-identified patent application. During his employment with Tilia, Mr. Baptista was obligated to assign to Tilia his rights in inventions made during his employment at Tilia, including the above-identified patent application. During his employment, Mr. Baptista cooperated with Tilia on the filing of

several patent applications. To my knowledge, Mr. Baptista has never disavowed his obligation to cooperate with Tilia in pursuing protection for the technology covered in the above-identified patent application.

The above-identified patent application claims priority to United States Provisional applications no. 60/450,295 and 60/450,528, both filed on February 27, 2003, having Mr. Baptista as sole inventor. Mr. Baptista was employed by Tilia when inventing the technology disclosed in and at the time of filing the '295 and the '528 provisional applications. Mr. Baptista cooperated in the preparation and filing of the '295 and the '528 provisional patent applications.

Around November 2003, I began attempting to obtain Mr. Baptista's cooperation in perfecting Tilia's rights in a number of patent applications including the above-identified application. At that time, I fully expected Mr. Baptista to cooperate. My efforts continued through the date of execution of this document. My efforts included presenting Mr. Baptista with the above-identified patent application a plurality of times both prior and subsequent to filing for his approval in conjunction with executing formal documents. Mr. Baptista has acknowledged having a copy of the patent application as filed and the formal documents, and he has repeatedly refused to execute the Inventorship Declaration first implicitly through inaction, and as explained below, explicitly.

I provided Mr. Baptista the above-identified patent application and Inventorship declaration several times in person, and via electronic attachment in several emails to Mr. Baptista's last known personal email account. I further made several telephone calls to Mr. Baptista's last known telephone number, and had a variety of letters sent via Federal Express to Mr. Baptista's last known address. These communications occurred both before and after the filing of the above-identified patent application. I have also requested Tilia's patent counsel, Mr. Brian R. Coleman, to forward documents necessary for signature to Mr. Baptista.


In addition to knowing that Mr. Baptista received for certain the patent application and Inventorship declaration from me in person, I have no reason to believe that Mr. Baptista has not received our other various communications, or fails to understand the nature of these communications and his obligation.

Mr. Baptista has failed to respond in any manner to our communications.

On June 25, 2004, in San Francisco, CA, I happened upon Mr. Baptista having lunch with several current employees of Tilia with whom Mr. Baptista has maintained a relationship. Mr. Baptista and I engaged in a short and amicable conversation. We discussed Mr. Baptista's failure to respond to our plethora of communications regarding his cooperation in the above-identified patent application. Mr. Baptista acknowledged that he invented the technology disclosed in the above-identified patent application while employed by Tilia. Mr. Baptista further acknowledged that he was obligated to cooperate with Tilia in perfecting Tilia's patent rights in the technology disclosed in the above-identified patent application. Nonetheless, Mr. Baptista was adamant that he

would not cooperate with Tilia in pursuing patent protection for the technology disclosed in the above-identified patent application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issued thereon.

Signature: 
Typed Name: Judy Lagera Vo
Title: Senior Paralegal
Date: 18 February 2005
Address: _____
